

HOUSE No. 273

By Mr. deMacedo of Plymouth, petition of Thomas J. O'Brien and others for legislation relative to the conversion of certain public employees disability retirements. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

Thomas J. O'Brien	Elizabeth A. Poirier
Viriato Manuel deMacedo	Colleen M. Garry
Susan W. Pope	

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE CONVERSION OF CERTAIN DISABILITY RETIREMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 8 of Chapter 32 of the General Laws is hereby amended
2 by inserting the following new subsection at the end thereof:—

3 Section 8A. A member retired under the provisions of
4 sections 6 or 7, may, in place of the benefit provided thereunder,
5 upon written application, on a form prescribed by the commission,
6 filed with the board, elect to receive a benefit pursuant to the pro-
7 visions of this section.

8 The normal yearly retirement allowance for a member who so
9 elects shall be computed by multiplying two and one-half percent
10 of the regular compensation upon which the benefit under Section
11 6 or 7 was based, by the number of years and full months of cred-
12 itable service in effect for the member at the time of the member's
13 retirement plus the number of years and full months between the
14 date of retirement and the date of election, plus the accrued
15 amount of any cost of living adjustments granted under
16 section 102 or 103 of this chapter. Such total normal yearly
17 amount of retirement allowance, as determined in accordance with
18 the provisions of this section, shall not exceed the total yearly

19 retirement allowance paid to the member at the time of application
20 for conversion under this section, provided however, any reduc-
21 tion resulting from a modification made under clause (3) of
22 section 8 or section 91A shall not be considered in the calculation
23 of the total normal yearly amount of retirement allowance.

24 Upon making the election provided herein the member and the
25 retirement allowance shall, for purposes of this chapter, be treated
26 as if retirement had taken place pursuant to section 5, provided,
27 however, that the member shall be subject to the provisions of
28 clause (3) of section 8 or section 91A for periods prior to the elec-
29 tion under this section.

30 A member electing a benefit under this section may elect to
31 have the allowance paid in accordance with the terms of option
32 (a), option (b) or option (c) of subdivision (2) of section 12, pro-
33 vided however, in no event shall benefits be paid, to the same ben-
34 eficiary or to separate beneficiaries, pursuant to the provisions of
35 both said option (b) or option (c) and section 9. In the event that a
36 member elects not to receive benefits pursuant to this section and
37 was unable to provide any annual allowance to be paid his widow
38 at the time of his death, such widow would be entitled to receive
39 benefits under section 9 or 101 of this chapter.